I. Call to Order/Roll Call

Chairman Alex Vispoli called the Regular meeting of the Board of Selectmen to order at 7:04 P.M. in the Selectmen's Conference Room at the Town Offices. Present were: Chairman Vispoli and Selectman Mary Lyman, Selectman Ted Teichert and Selectman John Hess. Selectman Brian Major arrived after the Opening Ceremonies. Also present: Town Manager Town Manager Buzz Stapczynski and Town Clerk Larry Murphy. The meeting was duly posted and cable-cast live.

II. Opening Ceremonies

Chairman Vispoli asked for a Moment of Silence followed by the Pledge of Allegiance.

III. Public Hearings

Chairman Vispoli opened the Public Hearing at 7:05 P.M.

A. <u>Retail Package Store All-Alcoholic Beverage License</u>

Andover Fine Wines & Spirits, Inc., 77 Main Street – Unit B, Andover, MA, has applied for a Retail Package Store All-Alcoholic Beverage License at 77 Main Street, Andover, MA. Gene G. LeBlanc is the designated Manager of record. The application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

Mr. LeBlanc explained his request for approval of the license at 77 Main Street. He will have completed the Serv-site Tip training prior to the May 1st opening and all employees will be trained with confirmation of the completed training provided to the Town Clerk.

Bob Gilbert, d/b/a as Andover Liquors at Shawsheen Plaza, was joined by Attorney Mark Johnson to speak about the choice of the store name which is similar to Andover Liquors. Their concerns were discussed and Mr. LeBlanc agreed to use a d/b/a name and submit an amended application. Upon completion of the name change and amended application, he will return to the Board for approval.

Selectman Major motioned that the Board take no action and to schedule a new public hearing for Monday, March 14th at 7:00 P.M. The motion was seconded by Selectman Lyman and voted 5-0 to approve. Roll call vote: Chairman Vispoli - Y, Selectman Major - Y, Selectman Lyman - Y, Selectman Teichert - Y, and Selectman Hess - Y.

Chairman Vispoli declared the Public Hearing to be closed at 7:50 P.M.

B. Laying Out of Streets

Town Planner Jackie Byerly explained the Warrant Article submitted for approval of the laying out of Winterberry Lane. The work has been satisfactorily completed and all approvals are in order.

On a motion by Selectman Major with a second by Selectman Hess, it was voted 5-0 to recommend approval of Warrant Article P-17 to lay out Winterberry Lane.

The Selectmen adjourned from Regular Session at 8:00 P.M. to move into Joint Session and to return to Regular Session. At 9:15 P.M. the Board reconvened to Regular Session.

IV. Communications/Announcements/Liaison Reports

Selectman Hess announced that the Andover Cultural Council will hold a reception for grant recipients at the Addison Gallery on March 10th from 5:30 P.M. to 7:00 P.M. at Phillips Academy. The public is welcome to attend.

Selectman Major reported the Youth Services Foundation will hold their annual Telethon to raise money for Youth Services on Thursday, March 10th and Friday, March 11th.

The Town Manager reported they are in the process of having the minutes of the meetings for the Ballardvale Fire Station Study and the School Building Committee put on the Town website. As to the question about charging private plow drivers a fee for dumping snow at the High Street site, the issue will be addressed in the budget presentation by the Department of Public Works.

Town Clerk Larry Murphy reported the method of posting meeting notices has changed per legislation by the Attorney General. Meeting notices will only be posted on-line on the Town website. He also reported that Greg Rigby of the Finance Committee has resigned from the Board of Registrars and that the Town Election will be held on March 22nd.

V. <u>Citizens Petitions and Presentations</u>

Bill Pennington, Coordinator for the upcoming "Home for our Troops" charity event, distributed a handout to the members of the Board and explained the purpose of the charity run which is to raise funds to build a home for Joe & Debbie Smith in North Carolina. The event will begin with a dinner at the Town House on Saturday, April 1st (\$25 per person) and the run/walk on Sunday, April 2nd with Senator Scott Brown participating in the program of events.

VI. Regular Business of the Board

A. 2011 Annual Town Meeting Warrant Articles

The Board reviewed the following 2011 Annual Town Meeting Warrant Articles:

Lisa Schwarz, Senior Planner, reported on the request to approve #P-15 – Zoning By-law Amendment – Political Signs and #P-16 – Zoning By-law Amendment – Off-Street Parking Requirements.

<u>WA #P-15</u> amends Article VIII in the Zoning By-law by deleting the contents of Section 5.2.7.1d and replacing it with "Except for political signs in Section 5.2.7.2c. Temporary signs may be installed or in place for a period not to exceed thirty (30) days unless otherwise specified in this By-law" and further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any action thereto.

On a motion by Selectman Major with a second by Selectman Hess it was voted 5-0 to recommend approval of Warrant Article P-15.

<u>WA #P-16</u> amending Off Street Parking in the Zoning By-law has been submitted to relax certain parking restrictions in certain areas of the downtown to be more business friendly.

On a motion by Selectman Major with a second by Selectman Lyman, it was voted 5-0 to recommend approval of Warrant Article P-15 as presented.

<u>WA #P-18 – Renewable Energy Facilities – Feasibility Study for Municipal Land</u> No vote taken

<u>WA#P-19 – Zoning By-Law Amendment – Open Space Residential Design (OSRD)</u> <u>Special Permit</u>

Planner Jackie Byerly the article was submitted to create a new section for open space to allow for greater flexibility and creativity in the design of residential developments, to encourage permanent preservation of open space in a manner consistent with Andover's Master Plan, to encourage a more efficient form of development minimizing site disturbance, decreasing economic burden to the Town, consume less open land and promote conformity to existing topography and natural features and to further the goals and policies of the Town's Master Plan. She reported that the Planning Board continued their vote until their March 18th meeting. The Board took a no-vote at this time.

WA#P-17 - Street Acceptance - Winterberry Lane

On a motion by Selectman Major and a second by Selectman Lyman, it was voted 5-0 to recommend approval of street acceptance of Winterberry Lane.

B. Acquisition of Property at 30-32 Willard Circle

Selectman Hess motioned that the Board sign the Acceptance of Deed and to confirm and sign the Order of Taking for the property located at 30-32 Willard Circle as authorized by vote on Article 55 of the 2010 Annual Town Meeting for conservation and open space purposes under the provisions of Chapter 40, Section 8C, of the property near Fosters Pond as shown on Assessors Map 13, Parcels 26 and 27, and more particularly described as: Those certain parcels of land in Andover, MA known as 30 & 32 Willard Circle, consisting of three parcels of land shown on Plan of Land entitled "Plan of Land in Andover & Wilmington, Massachusetts as surveyed for Fosters Pond Improvement Association, Inc." dated June, 1950 and recorded with North Essex District Registry of Deeds as Plan No. 2448, further described as: 2.75 acres, more or less, shown as Lot G on said Plan; 2.13 acres, more or less, shown as Lot F on said Plan; and .41 acre parcel shown as "Now or Formerly of Rathburn" on said Plan. The motion was seconded by Selectman Lyman, and voted 5-0 to approve.

C. <u>Punchard Free School Board of Trustees</u>

Selectman Lyman motioned to approve the consent to file the Petition with the Essex County Probate and Family Court, in accordance with Chapter 129 of the Acts of 2010, seeking changes to the will of the late Benjamin Hanover Punchard to provide that the Board of Trustees of the Punchard Free School shall consist of 5 trustees, who shall be residents of the Town of Andover elected by the registered voters of the Town for a term of 3 years. The motion was seconded by Selectman Major and voted 5-0 to approve.

D. Conservation Restriction – Legends I

Selectman Major motioned for the Board to sign the amended Conservation Restriction for the Legends I condominium development on Beacon Street. The motion was seconded by Selectman Teichert and voted 4-0-1 and approved. Selectman Hess abstained from voting.

E. <u>2011 Annual Town Election</u>

Selectman Hess motioned for the Board to sign the Warrant for the 2011 Annual Town Election to be held on Tuesday, March 22, 2011. The motion was seconded by Selectman Major, and voted 5-0 to approve.

VIII. Consent Agenda

A. Change of Manager

On a motion by Selectman Teichert with a second by Selectman Hess it was voted 5-0 to approve the request of The Lanam Club, Inc., 260 North Main Street, Andover, MA, for a Change of Manager on their All-Alcoholic Club License from Heinrich Lutjens to Timothy Hart. The application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the new license.

B. <u>One-Day Beer & Wine License</u>

On a motion by Selectman Hess with a second by Selectman Major, it was voted 5-0 to approve the request of Peter Troy, Methuen, MA, on behalf of Melmark New England, 461 River Road, Andover, MA, for a one-day beer & wine license for use on Saturday, March 5, 2011 from 6:00 P.M. to 11:00 P.M. for a fundraiser at the school. The application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

C. One-Day All-Alcoholic Beverage Licenses

On a motion by Selectman Lyman with a second by Selectman Teichert, it was voted 5-0 to approve the request of Beth Freire, 15 Bateson Drive, Andover, MA, for a one-day all-alcoholic beverage license on behalf of Temple Emanuel Sisterhood, 7 Haggetts Pond Road, Andover, MA, for use on Thursday, May 12, 2011 from 5:00 P.M. to Midnight for a fundraiser at the Temple.

Selectman Lyman motioned to approve the request of Irene M. Bonner, 174 Haggetts Pond Road, Andover, MA, for a one-day all-alcoholic beverage license on behalf of St. Robert Bellarmine Church, 198 Haggetts Pond Road, Andover, MA, for use on Saturday, March 5, 20111 from 6:00 P.M. to 11:00 P.M. for a fundraiser at the church. The motion was seconded by Selectman Teichert and voted 5-0 to approve.

Selectman Major motioned to approve the request of Bill Pennington, 46 Clark Road, Andover, MA, for a one-day all-alcoholic beverage license on behalf of "Homes for our Troops" for use on Saturday, April 2, 2011 from 7:00 P.M. to 11:00 P.M. for a fundraiser at the Town House, 20 Main Street, Andover. The motion was seconded by Selectman Hess and voted 5-0 to approve.

The applications have all been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

D. Vehicle for Hire License

Stephen Daniels, d/b/a Chief Executive Transportation, LLC, 348 Salem Street, Andover, MA, is requesting permission to operate a Vehicle for Hire business at 348 Salem Street, Andover, MA, with one vehicle. The license will be effective from the date of approval through April 30, 2012. The request has been reviewed and approved by the Police Department, Inspector of Buildings and Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

Selectman Major moved that the request from Chief Executive Transportation, LLC, 348 Salem Street, Andover, for one Vehicle for Hire license be approved as presented with the following conditions:

- 1. Compliance with the Andover Zoning Bylaw;
- 2. Compliance with the Town of Andover Rules and Regulations for Public Vehicles for Hire; and
- 3. All other requirements of the Town are met prior to the issuance of the license

The motion was seconded by Selectman Hess, and voted 5-0 to approve.

E. Change of Hours – Sunday Alcohol Sales

1. Alcoholic Beverage License Policy Amendment

Town Clerk Larry Murphy explained the request for a change of hours in the Sunday Alcohol Sales and the request for the Board to approve the Alcoholic Beverage License Policy Amendment to the Town of Andover Alcoholic Beverage License Policy, Section 17, "Hours of Operation in the Town of Andover" to reflect the change in the State law regarding Sunday sales.

Selectman Major motioned that the Board vote to amend the Town of Andover Alcoholic Beverage License Policy, Section 17 "Hours of Operation in the Town of Andover' by striking the section at the second asterisk under "Section 12 Licenses" and replacing it with the following language: "Licensees may apply to the Board of Selectmen for permission to open at 10:00 A.M. on Sundays. Taverns may not serve on Sundays. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

2. <u>Change of Hours – All-Alcoholic Innholders License</u>

Pat Romaro representing Mark McMahon, General Manager, Andover Country Club, 60 Canterbury Street, Andover, MA, is requesting that the Board change the Sunday hours on their All-Alcoholic Innholders License from Noon to 1:00 A.M. to 10:00 A.M. to 1:00 A.M. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. Selectman Major motioned to approve the request which was seconded by Selectman Lyman and voted 5-0 to approve.

F. Appointments & Re-appointments

On a motion by Selectman Lyman with a second by Selectman Hess, it was voted 5-0 to approve thefollowing appointments recommended by the Town Manager and as printed in the agenda:

DEPARTMENT	POSITION	RATE	EFF. DATE
COMMUNITY SERVICES John M. Mahan	Program Monitor – PT	\$8.00/hr.	2/7/10
TOWN CLERK'S OFFICE Gail L. Ralston	Pollworker – PT	\$8.25/hr.	2/29/11

MEMORIAL HALL LIBRARY TRUSTEES

Stefani Traina – Term expires 6/30/11 (v. A. Handley)

SCHOLARSHIP COMMITTEE

Joan Duff – Term expires 6/30/11 (v. K. Hess)

CONSERVATION OVERSEER

Robert Pincus - Willard Circle Conservation Land - Term expires 6/30/13

IX. Approval of Minutes from Previous Meetings

On a motion by Selectman Hess and a second by Selectman Lyman, it was voted 5-0 to approve the Regular Meeting Minutes of February 7th and February 16th and the Joint Meeting Minutes with the Finance Committee of February 9th and 16th.

X. Adjournment

On a motion by Selectman Major with a second by Selectman Lyman, it was voted 5-0 to adjourn the Regular Meeting of February 28, 2011 at 10:12 P.M.

Respectfully submitted,

Dee DeLorenzo Recorder

Documents:

Memo from Town Clerk: Change in Sunday Alcohol Sales
Commonwealth of Massachusetts – Warrant Annual Town Election
Urbelis & Fieldsteel, LLP – Letter on Order of Taking 30-32 Willard Circle
Urbelis & Fieldsteel, LLP – Letter regarding Chapter 129 of the Acts of 2010
Johnson & Borenstein, Inc. – Letter regarding Legends I Amended Conservation Restriction
Andover Country Club – Letter requesting change to the hours of liquor licenses on Sundays